

# **Exhibit C**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products	)	MD 15-02641-PHX-DGC
Liability Litigation,	)	
	)	
	)	
<hr/>		
Lisa Hyde and Mark Hyde, a married	)	Phoenix, Arizona
couple,	)	<b>September 25, 2018</b>
	)	
Plaintiffs,	)	
	)	
v.	)	CV 16-00893-PHX-DGC
	)	
C.R. Bard, Inc., a New Jersey	)	
corporation, and Bard Peripheral	)	
Vascular, an Arizona corporation,	)	
	)	
Defendants.	)	
	)	

BEFORE: THE HONORABLE DAVID G. CAMPBELL, JUDGE

**REPORTER'S TRANSCRIPT OF PROCEEDINGS**

TRIAL DAY 6 - P.M. SESSION

Official Court Reporter:  
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Sandra Day O'Connor U.S. Courthouse, Suite 312  
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Proceedings Reported by Stenographic Court Reporter  
Transcript Prepared by Computer-Aided Transcription

1 referred to?

2 MS. HELM: That's the date that you eventually --

3 THE COURT: Let me look at this briefly.

4 11256 doesn't talk about the FDA warning letter. It  
5 talks about the Modra complaint exhibits and Recovery cephalad  
6 migration.

7 MS. HELM: Excuse me, Your Honor, the numbered  
8 sentence 2.

9 THE COURT: Okay. That's not -- yeah, I say it but  
10 that's not an explanation.

11 MS. HELM: It was tendered on -- that order was  
12 entered on May 29th. It was tendered on May 17. And I'm  
13 reading, admittedly, a summary of the transcript, but you said  
14 there was not enough evidence yet to let it come in.

15 And then it was tendered again on May 22nd and again  
16 on May 25th. So it -- and it was after a substantial amount of  
17 evidence, so...

18 THE COURT: Okay. Hold on just a minute.

19 MS. HELM: I have a clean copy.

20 THE COURT: I'm not reading the notes.

21 Well, my memory is that I let this in last time after  
22 Mr. Modra had testified, and I think in Jones much of the  
23 testimony came in during the defense case on the extensive  
24 complaint handling procedures that Bard had in place. And I  
25 thought it was relevant then that the FDA had critiqued the

1 complaint handling procedures.

2 Mr. O'Connor has covered much of that ground with  
3 Mr. Modra today on detailed complaint handling procedures. I  
4 think that, as redacted, this FDA warning letter does not  
5 violate Rule 403. The section that will come in, which is  
6 section 3, I think, concerns complaint handling procedures.

7 And so I'm going to overrule the objection and allow  
8 the redacted exhibit to come in.

9 MR. O'CONNOR: Thank you.

10 (End of discussion at sidebar.)

11 THE COURT: Thanks, ladies and gentlemen.

12 MR. O'CONNOR: Move for admission of Exhibit 1680,  
13 Your Honor.

14 THE COURT: Admitted.

15 (Exhibit No. 1680 admitted into evidence.)

16 MR. O'CONNOR: May I publish?

17 THE COURT: You may.

18 MR. O'CONNOR: And, Felice, if you could highlight  
19 the first paragraph.

20 BY MR. O'CONNOR:

21 Q. This talks about a number of inspections that -- well,  
22 inspections that occurred; specifically, an inspection that  
23 occurred at the Tempe facility on November 18, 2014. Correct?

24 A. That's correct.

25 MR. O'CONNOR: And then, Felice, if you could go down